

4.10-1 INTRODUCTION

As described in Chapters 4.4.1 to 4.4.19 of this Draft Environmental Impact Statement (DEIS), the Project would result in adverse impacts on a 0.03-acre portion of a 0.09-acre wetland, certain other natural resources, and historic resources and visual resources related to the loss of the existing rail bridge. Although mitigation measures would be developed to avoid or minimize the adverse effects of the Project to the extent practicable, not all of the adverse impacts could be mitigated. In all cases, the No Action Alternative would avoid these adverse impacts, but would not meet the purpose and need for the Project and would jeopardize the long-term viability of the Southern Tier route for freight rail service.

4.10-2 WETLANDS

The Preferred Alternative would require the placement of fill in 0.03 acres of Wetland A, an approximately 0.09-acre freshwater wetland, to construct a new approach track to the new Genesee River crossing. A permit would be obtained from the U.S. Army Corps of Engineers (USACE) for this impact but the loss of a portion of the wetland could not be avoided.

4.10-3 GENERAL ECOLOGY AND WILDLIFE RESOURCES

The Preferred Alternative would disturb approximately 1.1 acres of shale cliff and talus slope community, which has the potential to adversely affect coast creeping moss, a species that is considered critically imperiled in New York State. Although the presence of this moss in the Project area is not confirmed, the moss has been identified in a similar area nearby and potentially suitable habitat for the moss is present at the Project site. Given the critically imperiled status of this species, its potential loss within the 1.1 acres of shale cliff and talus slope community that would be disturbed or permanently lost due to construction, and the loss of this area as potential habitat for this species, would be considered an adverse impact.

In addition, construction activities have the potential to disturb a pair of bald eagles that are known to have an active nest within less than ¼ mile of the existing bridge. As described in Chapter 4.5, "Construction Effects," Norfolk Southern will coordinate with the U.S. Fish and Wildlife Service (USFWS) and New York State Department of Environmental Conservation regarding potential impacts to the bald eagle and, if required, will obtain a permit from the USFWS for the disturbance pursuant to the federal Bald and Golden Eagle Protection Act.

4.10-4 HISTORIC RESOURCES

The Preferred Alternative would result in an Adverse Effect on Letchworth State Park, which is listed on the State and National Registers of Historic Places (S/NRHP), because it would involve removing or altering a number of contributing elements to the park's S/NRHP listing. Specifically, it would involve demolishing the existing Portageville Bridge and permanently altering other contributing resources of Letchworth State Park, including the Gorge and Mary Jemison Trails, Highbridge Parking Area and Historic Marker, Park Road, and fieldstone walls, either through removal, relocation or modification. Although mitigation would be implemented in consultation

with OPRHP (see Chapter 4.4.11), the adverse effect on this historic resource would be unavoidable.

4.10-5 PARKS AND RECREATIONAL RESOURCES

Construction activities of the Preferred Alternative would result in temporary but unavoidable impacts to Letchworth State Park. These would include the closure of portions of two trails (the southern trailheads for the Mary Jemison Trail and Gorge Trail, both of which are partially located within Norfolk Southern's existing right-of-way); closure of a portion of Park Road including the Portageville Entrance, requiring a detour of 1 to 5 miles for employees, visitors, and emergency vehicles; closure of the Highbridge Parking Area; and the temporary disruption, including visual impacts, noise, and displacement of wildlife species, that would occur during construction. Once construction is complete, these impacts would be resolved, but during construction they are unavoidable.

4.10-6 VISUAL RESOURCES

As a state park that is listed on the State and National Registers of Historic Places, Letchworth State Park is an aesthetic resource of statewide significance. The Genesee River and gorge, waterfalls, and the Portageville Bridge are contributing elements of this aesthetic resource. In addition, the Genesee River in Letchworth State Park is designated as a Scenic River by New York State and is protected by the federal Genesee River Protection Act with the same protection as a permanent Study River under the federal Wild and Scenic Rivers Act program. Letchworth State Park has a number of scenic viewing locations, including the scenic overlooks that are located along the edge of the Genesee River gorge, and park trails, including those that run along the west and east rims of the Genesee River gorge. Views of the river gorge in the southern end of the park include scenic views of the rail bridge from some locations. There would be temporary visual impacts to viewers and viewsheds during the demolition of the existing bridge and construction of the new bridge, including closure of trails and associated viewing locations, and the operation of heavy machinery, including construction cranes, which would be visible above the vertical limits of the existing bridge. Throughout construction, cranes and other large pieces of equipment would be visible to park visitors. Park users would be visually aware of construction activities from most of the same viewpoints that were considered in the analysis of long-term visual impacts associated with the Project. During construction, cranes would extend above the vertical limits of the bridge and would likely be visible from some additional and more distant viewpoints.

The Preferred Alternative would result in the removal of the existing Portageville Bridge, a contributing visual element to Letchworth State Park, which is an aesthetic resource of statewide significance. This would result in an adverse impact on the viewer's experience of this section of the park, e.g., to viewers in locations where the bridge is a principal element of the view. The impact on existing viewsheds from removal of the existing bridge would be unavoidable. At the same time, removal of the existing bridge structure from within the river gorge would open up natural views of the gorge, which would result in a benefit.